

REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Applicants acknowledge the Examiners withdrawal of the previous rejections under 35 U.S.C. §§102 and 103.

Pursuant to a conversation between Louis Cullman, attorney for Applicant and Examiner Fubara on October 19, 2006, Applicant respectfully wishes to withdraw the terminal disclaimer filed on October 3, 2006 and instead requests a withdrawal of the double patenting rejection as discussed further below.

Double Patenting

Claims 1-16 and 33-49 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-25 of U.S. Patent No. 6,703,046 (the '046 patent). The '046 patent is the parent of the instant divisional application. The instant divisional application was filed as a result of a restriction requirement on December 9, 2002. According to 35 U.S.C. 121 "[a] patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an applications filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application."

Therefore, Applicants respectfully request the withdrawal of the obviousness-type double patenting rejection of claims 1-16 and 33-49 over claims 1-25 of U.S. Patent No. 6,703,046

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 50-3207. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (949) 253-0900.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Louis C. Cullman', written over a horizontal line.

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